

REMARKS

Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections in view of the foregoing amendments and the following remarks.

Claims 1-3 are pending. Claim 1 has been amended. Claim 1 is independent.

Claims 1-3 are rejected under 35 U.S.C. § 112, first paragraph, because there is allegedly no support in the first crushing step of Claim 1 of also “separating metal materials from the plastic materials of the process cartridge”. In response, while not conceding the propriety of the rejection, this language has been canceled from Claim 1, thereby obviating the rejection.

Therefore, Applicants respectfully request that the rejection be withdrawn.

Claims 1-3 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Lecturmy et al. (U.S. Patent No. 6,311,904) in view of Christiani et al. (U.S. Patent Publ. No. 2003/0183705), Prew et al. (U.S. Patent No. 5,257,740), and Aoki et al. (U.S. Patent No. 6,568,612).

In response, while not conceding the propriety of the rejection, Claim 1 has been amended. Applicants submit that as amended, Claim 1 is allowable for the following reasons.

Independent Claim 1 relates to a method of recycling a plastic material of a process cartridge including metal materials, toner particles, and plastic materials of at least two different colors. The method comprises the steps of crushing the process cartridge while collecting toner particles on the process cartridge by suction in a first crushing step, removing metal materials from the crushed pieces of the process cartridge in a magnetic selection step, adjusting the size of the crushed pieces in a secondary crushing step, collecting remaining toner particles on the size-adjusted crushed pieces in an air selection step, and separating a plastic material having a specific

reflection density from the other plastic materials of the size-adjusted, crushed plastic materials, separated from the remaining toner particles, in a color selection step.

Claim 1 has been amended to recite the step of separating the plastic materials from the size-adjusted crushed pieces in a dry gravity separation step.

By this arrangement, plastic materials having similar specific gravities can be separated, and the crushed pieces can be given an opportunity to dry because a dry gravity separation step is employed. By permitting similar-specific-gravity, plastic-material separation before the color separation step, color-selection precision becomes higher. In addition, by using a dry gravity separation step before the color separation step, the precision of color selection is also improved because the crushed pieces can be given the opportunity to sufficiently dry.

In contrast, the citations to Lecturmy et al., Christiani et al., Prew et al., and Aoki et al. are not understood to disclose or suggest the steps of separating plastic materials from the size-adjusted crushed pieces in a dry gravity separation step, and separating a plastic material having a specific reflection density from the other plastic materials of the size-adjusted, crushed plastic materials, separated from the remaining toner particles, in a color selection step, as recited in amended Claim 1. In addition, these citations are not understood to recognize that employing a dry gravity separation step for separating plastic materials from size-adjusted crushed pieces before a color selection step of separating plastic material having a specific reflection density from the other plastic materials, improves color-selection precision.

To establish a *prima facie* case of obviousness, the Office must cite art showing *all* the claimed features, in accordance with MPEP § 2142 and § 2143. But since the applied art is not

understood to disclose or suggest at least the features noted above, the Office is not understood to have yet established a *prima facie* case of obviousness against amended Claim 1.

In addition, MPEP § 2142 and § 2143 require some motivation for modifying or combining the applied art to produce the claimed invention. But here, the references are not understood to supply such motivation, since they are not understood to recognize that employing a dry gravity separation step before a color selection step improves color-selection precision. Therefore, for this additional reason the Office is not understood to have yet established a *prima facie* case of obviousness against amended Claim 1.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of Claim 1 over these citations.

The dependent claims are allowable for the reasons given for the independent claims and because they recite features that are patentable in their own right. Individual consideration of the dependent claims is respectfully solicited.

In view of the above amendments and remarks, the application is now in allowable form. Therefore, early passage to issue is respectfully solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Gary M. Jacobs/

Gary M. Jacobs
Attorney for Applicants
Registration No. 28,861

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200
GMD/lp

DC_MAIN 255123v1